

United States District
Court - Southern District
of New York ...

18CV5170

Summons

Suit / claim

STATE OF NEW YORK

Failure to respond

CITY OF NEW YORK

To Notices ...

Ms. Barbara A. Wilson
Mr. Roberto V. Hamilton

Under the Constitution
of the United States
the Civil Rights Act
42 U.S.C. § 1983

Vs.

28 U.S.C. § 1331, 1333

CITY OF NEW YORK
POLICE DEPT.

cross action, that
claims in the nature
of damages ...

et al

Claim No. :

2018PL008319

2018PL009320

To the Southern District Court
of New York : Summons for
Failure to Respond to three (3)

Notarized Notices Served & Related

and address as "Pro Se Plaintiff - Southern

District of New York"

Jurisdiction and venue "

1.) This Is A Civil Rights Action claim/complaint/suit -- AUTHORIZED BY 42 U.S.C. § 1983 FOR INJUNCTIVE RELIEF & REDRESS TO THE DEPRIVATIONS UNDER THE COLOR OF STATE LAW, OR RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. HIS HONORABLE COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331, 1334, CIVIL ACTION TENT CLAIM IN THE NAME OF HANNAH & PETITIONERS SEeks DECLATORY RELIEF PURSUANT TO 28 U.S.C. SECTION 2201 & 2202, PETITIONERS CLAIM FOR INJUNCTIVE RELIEF ARE FURTHER AUTHORIZED BY 28 U.S.C. SECTION 2283 & 2284 AND RULE 65 OF THE FEDERAL RULE OF CIVIL PROCEDURE.

2.) THE SOUTHERN DISTRICT OF NEW YORK IS AN APPROPRIATE VENUE UNDER 28 U.S.C. SECTION 1331(b)(2) BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO THIS CLAIM/SUIT OCCURRED.

3.) FURTHER, THE PETITIONERS REQUEST THAT THESE PROCEEDINGS BE REVIEWED UNDER THE LOSER STANDARDS FOR PRO-SE ATTORNEYS AS PER HAINES V. KERNER, 404 U.S. 579 [1972] [PRO-SE LITIGANTS PLEADINGS ARE TO BE CONSTRUED LIBERALLY AND

HELS TO LESS STRAIGHT STATED THAN FORMER
PLEADINGS DENETED BY LAWYERS.]

"Jurisdiction And Venue
Def And Concurrent"

"Notice Is Preempted For Civil
Rights Action: Eddox v. Casey"

4.) Section 1983 Of Civil Rights Act, A Successor
Of The Civil Rights Act Of 1871, Was Enacted In
Response To A Perceived Unwillingness Of States
To Protect Their Citizens Rights. The Statute
Provides Direct Access To A Judicial Forum To All
Individuals Who Claim Their Constitutional Or Other
Federal Rights Has Been Violated By Persons
Acting Under Color Of State Law.

5.) 42 U.S.C. § 1983... The Section Provides:
Every Person Who, Under Color Of Any Statute, Or
Decree, Regulation, Custom, Or Usage, In Any
State Or Territory Or The District Of Columbia,
Subjects, Or Causes To Be Subjected, Any Citizen
Of The U.S. Or Other Person Within The Jurisdiction

hereof To the Deprivation of Any Rights,
Privileges, or Immunities Secured By The Constitu-
tion And Laws, Shall Be Liable To The Party
Injured In An Action At Law, Suit In Equity,
Or Other Proper Proceedings For Redress.
For The Purpose Of This Section, Any Act Of Congress
Applicable Exclusively To The District Of Columbia
Shall Be Considered To Be A Statute Of The
District Of Columbia I do.

"Act Of Apr 20, 1871, Ch. 22, § 117 stat.
13 Codified At 42 U.S.C § 1983 (1982).

(b) This Act Provides In Pertinent Part: [A]ny
Person Who, Under Color Of Any Law, Statute,
Decree, Regulation, Custom; Or Veto Of Any
State, Shall Subject, Or Cause To Be Subjected,
Any Privileges, Or Immunities Secured By The
Constitution Of The U.S., Shall Any Such Law, Statute,
Decree, Regulation, Custom, Or Veto Of The
State To The Contrary Notwithstanding, Be Liable To
The Party Injured In Any Action At Law, Suit
In Equity, Or Other Proper Proceeding For
Redress

7.) See Monroe v. Pape, 365 U.S. 167, 180 (1961), Overruled on Other Grounds, Sub Nom., Monroe v. DEPT OF SOCIAL SERVICES, 436 U.S. 658 (1978). Due to Discrimination, Enforcement of State Law Was Questionable Lending to Federal Legislation As A Protective Measure. I.d. The States' Failure to Address the Protection of Private Rights Led to the Need for Federal Action I.d. At 23 n. 46. See Also Patsy v. FLORIDA Bd. Of Regents, 457 U.S. 496, 503 (1982).

8.) The Civil Rights Act of 1871 Guaranteed Action Against Invasion of One's Fundamental Rights by the States. I.d. By Providing a Federal Remedy, Congress Had Opened the Federal Courts in Response to the Failure of States to Provide Justice. Allen v. McCurry, 449 U.S. 90, 111 (1980) (Blackmun J., Dissenting). See Lynch v. Household Fin. Corp., 405 U.S. 538, 543 (1972) (Predecessor) or Section 1983 Intended to Provide Federal Judicial Forum.

9.) State Remedies Were Unsatisfactory Because State Courts Were Either Judicial or Inaccessible

of Protecting Those Citizen's Rights Blackman,
Section 1983 And The Federal Protection Of Individual
Rights - Will The State Remain Alive Or Fade
Away?, 60 N.Y.U.L.Rev. 2, 5 (1985).
-- See Note, The Civil Rights Act, Of 1871-
Continued Vitality, To What Dame, Law Rev. 70,
74 (1964) (Claim Authorized Upon State Abuse
Of Public ~~Trust~~ Trust). -- See Also Close S. 22A
Note 2, At 321 (Remarks Of Rep. Strickland)
(STATE Authorities And Local Courts Are UNABLE
Or UNWILLING To Check The Evil Of Punish The
Criminals"); Id. At 374 (Remarks Of Rep.
Lowe) ("Local Administration Have Been FOUND
INADEQUATE OR UNWILLING TO APPLY THE PROPER
CORRECTIVE").

1Q) -- See Burnett v. Grattan, 468 U.S. 42, 50
(1984) -- Civil Rights Actions, The Remedies
Of Which Are SEPARATE And DISTINCT From state Law,
"Are JUDGMENT EXECUTABLE (In Federal Court)
In The First Instance." Id. Section 1983 Was
Intended To Throw Open The Doors Of The Federal
Courts, ALLOWING IMMEDIATE REDRESS FOR CIVIL
Rights CLAIMANTS -- Patsy, 457 U.S. At 504

(Quoting Gieseke *Sapra Note 2*, At 476) ... See
Webb v. Dyke County Bd. of Ed., 471 U.S.
234, 249 (1985) (Congress Intended To Enable
Civil Rights Litigants To Proceed Expediently
To Court); *McCurdy*, 449 U.S. At 112 (Stevens
J. Dissenting) (Section 1983 Remedies Spoke
Congressional Policy That Federal Courts Are The
Primary Arbitrators Of Constitutional Rights) ...

It Has Been Argued That Requiring Individuals
To Exhaust Their Administrative Remedies Prior To
Obtaining Access To Federal Courts Stands As An
Obstacle To One's Direct Access ...

11.) *Patsy* 457 U.S. At 509-10. The Act Has Been
Interpreted As Providing A "Dual Ex Concurrence"
Forum's In Both The Federal And State Courts;
Making It Easier For The Plaintiff To Obtain
Relief. *I.d.* At 506. Accord *Maine v. Thiboutot*,
448 U.S. 1, 3 n. 1 (1980) (Section 1983 Intended
To Provide Concurrent Jurisdiction); *see also Martinez*
v. California, 444 U.S. 277, 283 n. 7 (1980)
(Same) ...

12.) Therefore, The Application Of State Policies]

Restrictive Remedies Against Public Officials To Section 1983 Action Has Been Referred As A Frustration Of The Acts Objectives -- *Burnette*, 468 U.S. At 55 n 18 -- See *Globe, supra* Note 2, At 376 (Remarks Of Rep. Lowe) Section 1983 Remedial Objective Is To BE PURSUED Not Withstand Any Provisions Of State Law To Contrary) --

(13.) Federal Courts Have Dispensed With Certain State Procedural Requirements In Order To Serve The Purpose Behind Section 1983, See, e.g.; *Masetto v. Connor*, 811 F.2d 1416, 1428 (11th Cir. 1987) (struck down requirement that Plaintiff Exhaust All Other Remedies Before Beginning Section 1983 Action); *Chiles v. City of Decatur*, 614 F.2d 54, 56 (5th Cir. 1980) (Federal Courts Cannot Require Exhaustion In Section 1983 Action); *Mathias v. Milwaukee Dept. Of City Dev.*, 377 F. Supp. 497, 500 (E.D. Wis. 1974) (Same); *C.F. McDonald v. West Beach*, 466 U.S. 284, 290 (1984) (Section 1983 Enacted To Provide Judicial Processing To Protect Invaluable Federal Statutory And Constitutional Rights)

14.) Federal Courts Have Generally Disallowed "Notice of Claim" Provisions As An Unconstitutional Pre-condition To Section 1983... Litigation... See, e.g.,) Donovan v. Reynolds, 433 Fld. 738, 741-42 (9th Cir. 1970) (Congress Did Not Intend To Adopt State Remedies & Procedures When Determining Federal Rights) . . .

II PARTIES IN THIS SUIT/
SUIT/CLAIM:

15.) PETITIONERS:

Ms. Barbara A. Wilson (Formerly III
Senior C.t. ZON - See Exhibits Born
11-25-1954) Se

Mr. Roberto V. Hamilton - (Wartime Veteran
Born 01-17-1952) Senior Citizen

16.) DEFENDANTS:

The New York City Police Dept. Ms. Wilson
Was Taken To Brookdale Hospital In Brooklyn...
By Fire Dept. Ent, Callers By The Police Dept.
Mr. Hamilton Was Taken To The 73rd Pct. In

In Brooklyn East New York Ave. And Rockaway Ave... And Help In Custody About Eight (8) hours... In Both Locations - The Hospital And The 73rd Pct. None Of The Officers Involved LEFT No Documentation Or Who They Where; No Ranks; And No Badge Numbers -- And There Was No Copy Of Search Warrant Given To Petitioners -- Though Petitioners Requested For Copies Several Times -- SUPERVISORS LIABILITY (ET AL) - All New York City Administration - The Governor; The Mayor; The Police Commissioner; The Deputy Police Commissioner; The Captains; Lieutenants; Sergeants; Of All -- AGAIN NO ONE OF THE POLICE DEPT. WOULD LEAVE ANY DOCUMENTATION OR IDENTIFY THEMSELVES AT THE HOSPITAL - (Brooklyn), OR AT THE 73RD PCT IN BROOKLYN -- NO ONE WOULD PRODUCE OR GIVE COPY OF SAID WARRANT TO NORTHERN, M.S. WILSON NOR MR. HANUTON - (Petitioners) -- THE SUPERVISOR LIABILITY IS IN EFFECT, BECAUSE AS SUPERVISORS THEY HAVE FULL KNOWLEDGE OF THE ACTIONS OF THEIR OFFICERS -- .

17.)

STATEMENT OF SGT / CLAN:

I Resonte V. Hamilton, the petitioner, dores. And STATE, That About 8:30 P.M. In The Evening Of, Dec 15, 2017, I Was In My Bed-Room PREPARING TO WATCH A T.V. PROGRAM -- When I Suddenly Heard A Loud Boom Out Of No-where -- And My Friend Miss Barbara A. Wilson (Petitioner), Was Sitting At The Kitchen TABLE -- By The Time I JUMPED OUT OF BED The POLICE OFFICERS/Search/Searched Team Were At My Bed Room Door and GUNS DRAWN & RED DOTS ALL OVER US -- Miss Wilson Is A TERMINALLY ILL Senior Citizen's Whom I Look After -- She Came To My Side As The OFFICERS PROCEEDED TO Rush Us With THEIR Crash Shelds -- I WENT IN Between Miss Wilson And The Law-Comical OFFICERS, who Yelled "Get On The Floor", At The SAME TIME Hitting Me With The Shelds -- I Did Not Go Down At First, More Concerned For Miss Wilson -- This Time THREE (3) Of The OFFICERS Renewed Their Attack, With Their Crash Shelds And Now Taken Out Their GUNS -- (The OFFICERS WHO WERE Rushing With Shelds Did Not Have Their GUNS DRAWN

(N.)

At First, Like Their Co-Officers Did -- But This Time They Did -- And The Red Dots Were Floating All-Over Our Bodies -- They Knocked Me Down Hard On To Of Miss Wilson, Injuring Her Leg, To The Point She Has To Be Taken To The Hospital By Ambulance -- She Can't Walk -- I Weigh About 240 Pounds -- (See Exhibits) -- Condition Of Ms Wilson (son LEC) -- Doctors At Brookdale Diagnose HER At First As Having A Torn Ligament Which In All Probability Because Of Her Condition And AGE she Will Always Have Issues -- They kept Her Two(2) Days --

The Officers At This Point Hand-Cuffed Me And Stated They Had A Search-Warrant, Which I Was Not Allowed To View -- I Asked FOR A Copy Of Said Warrant & The Officer Said I Would Get One -- I Asked Why Did They Come To My Apt. I Have Been Living There For A Little Over ELEVEN (11) YRS. And This Has NEVER Happened BEFORE -- Officers Stated, They Had A WARRANT And THAT They Were Looking For Anything ILLEGAL I Asked Again Why Were They HERE -- And Should Not A Warrant Be Specific -- The Officers Stated

I Had Nothing To Worry About. -- Then They Proceeded To Tear My Place Apart. -- There Were Approximately "16" OFFICERS ON MEET. -- I Was Taken To The 73rd Pct. Handcuffed And I Underwent Arrest Procedures. -- The Removing Of Shoe Laces & Belt - Removing Of Strong Belt Of My Sweat Pants. -- TAKING MY LOCKS & I.D. -- HOWEVER NO FINGER-PRINTS OR PHOTO WAS TAKEN. -- They Held Me Incarcerated About Seven (7) to Eight (8) hours. -- Then Released Me With No Charges. -- No Nothing. -- I Asked Again For A Copy Of The WARRANT Officer Stated, A Lieutenant, that I was No longer Under Arrest. -- There were No CHARGES; AND That I Was Free To Go. -- I Asked About Ms. Wilson, He Said She Was FREE TO GO ALSO. -- Being Released From The Hospital. -- The OFFICER A Lieutenant Detective, Who Would Not Give Me His NAME, When I Asked For A COPY OF THE WARRANT AGAIN, Stated, I DIS NOT NEED A COPY BECAUSE THERE WAS NO Further Action Being Considered Against Me. -- Prior To This OFFICERS Has Stated They Had Contacted My Landlord. -- Landlord Stated This NEVER Happened. -- (See Exhibit)

when I Finally Arrived Home, Everything
Was Trashed -- Some Of My Belongings Was
In The Hallway Wt Hairs Stamped All-over --
(It Snowed & Rained Heavy That Night) --
Headphones From My Grandmother Was Broken..
Stereo Was Broken -- Jeans Clothes Books
And Furniture Was Lost In The Hallway --
Soaked In Water -- Things That I Could
Never Replace Were Destroyed -- Front Door
Was Destroyed -- Gifts That Were Sent To Me
From Other Countries Destroyed -- I Collected
Autographs Mostly Given To Me By My GrandMother,
Grand Cousin Mother, Mother -- Books Destroyed
Left Soaking In Pools Of Water -- And To
Safe "No-Exit" Has Even Attempted To Make
Some Form Of Protection -- And It Was By
The Grace Of "God" That I Even Found Out
That There Was A True Intent To Make A Claim
Or I Would Not Be Able To -- "How Can
This Be?" --

I Have Photos On My Cell Phone and I
Have Submitted Some To The Controllers
Dadie, -- Come To Find Out My Phone Got
Wet Too -- However I Am Still Attempting

To Download Photos ... But Photos Can Clearly Be
seen On the Cell Phone ... Which I Will Submit.
The Police Value Is fixed To Place ... Those Items
Can't Never Be Replaced ... Where Would I Find
them? Remember, I Am Sixty-Six (66) yrs.
Or Less ... No longer Am I A "Young Chick."
What Am I To Do ... What Is Ms. Wilson To Do.

18c) Petitioners Filed Three (3) "Notarized Notices"
Of "ABUSE OR DISGRACE" - As To The Actions Of
The New York City Police Department, Once They
Correct Or Not In These Actions ... All Notarized
Notices Were Hand Delivered To The New York City
Comptroller's Office ... A Response Was To Be
Sent To Ms. Barbara Wilson; To Mr. Roberto
Hamilton; And Due To The Notary ... The Notarized
Notices, Were Dated, March 15, 2018; April 23, 2018;
And May 17, 2018; ... The Notarized Notices
Clearly Stated, That If They, (The New York City
Police Dept. ET AL) Could Not Deny That These
Actions Of The New York City Police Dept. ET AL
Were Incorrect With Response Then They Were
In Agreement That Pol. Officers Were And Are
Clearly Entitled To Immediate Relief ...

As Of To Date Defendants NEVER Responded.

19.) however Attorneys At Law Russo & Tonner LL
At 33 Whitehall Street, New York, New York
10004; Phone (212) 482-0213; Fax (212) 482-
0023 www.russtoner.com In A Letter
Dated April 23, 2018, Sent To Ms. Wilson -
Claim No.: 2018P1008320 - R&T File No.:
541-540 -- which States that Pursuant To
Section 50-b of the General Municipal Law
(GML), Claimant Is Mandated By Law To Appear
At The Following Location, At The Date And
Time Specified, To Be Orally Examined
Under Oath Relative To The Occurrence And
Extent Of Injuries For Which The Above
Claim Is Made:

TIME OF HEARING: 2:30 PM

DATE: FRIDAY JUNE 8th, 2018

PLACE: 33 Whitehall St. 16th Fl.

New York, New York 10004

20.) They Are Fully Aware That Ms. Wilson Is
"Home Bound" -- Transportation Must Be
Provided -- Also, They Have Copy Of The

Full Medical Records Provided by
Brookdale Hospital...

We declare under the Penalty
of Perjury that the foregoing is True
and Correct...

Belinda A. Wilson

~~Robert J. Hamilton~~

Ms. Belinda A. Wilson

Mr. Roberto V. Hamilton

Sworn To Before Me:


Notary

KATHERINE PROCHILO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PR6170947
Qualified In Nassau County
My Commission Expires August 25, 2019

(17.)

"American Juris Prudentiae"

"Illegal Search"

21) - "Standards in United States -

A) Absent Exigent Circumstances or Consent,
A Home May Not Be Searched Without Warrant.
Conclusion that A Search Warrant Must Be
Obtained Absent Exigent Circumstances
[457 U.S. 204, 206]

22) Fourth Amendment to the U.S. Constitution

A) (Amendment IV) To the U.S. Constitution
Prohibits UNREASONABLE Searches AND
SEIZURES. It REQUIRES Govt Authorities
SEARCHES & SEIZURES TO BE CONDUCTED ONLY
UPON ISSUANCE OF A WARRANT...

B) Common Law Contrary to the Govt and Police
Dkt Assertion does NOT FAVOUR Precedent
for upholding the Search In Question But
Rather sheds Little on the Narrow Issues

Prescribes Of Whether An Arrest Warrant,
As Opposed To A Search Warrant, Is
Adequate To Protect The IV Am. Rights
Interest Of Person, Not Names In
Warrant, When Their Name Is Searched
Without Their Consent And The Absence
Of Agent [457 U.S. 204, 205] Circumstances
Moreover, The History Of The IV Am.
Strongly Suggest That It's Framers Would
Not Have The Search In Question.

23) The Fourth Am. In The Constitution Of The
U.S. Ensures That "The Right Of The People To Be
Secure In Their Persons, Houses, Papers, And
Effects, Against Unreasonable Searches And
Seizures, Shall Not Be Violated, And No
Warrants Shall Issue, But Upon Probable
Cause, Supported By Oath Or Affirmation, And
Particularly Describing The Place To Be
Searched, And The Persons Or Things To Be
Seized

"29 Am Jur 2d. Evidence"
Constitutional Law

23) Your Constitution Is An Text Clas Content
Enforceable In A Court Of Law -
The U.S. Constitution, Article 3, § (c) clause
Two (2): ... This Constitution, And The Law
OF THE U.S. WHICH SHALL BE MADE IN PURSUANCE
TO IT AND ALL TREATIES MADE, OR WHICH SHALL
BE MADE UNDER THE AUTHORITY OF THE U.S. SHALL
BE THE "Supreme Law Of The Land."
And Judges In Every State Shall Be Bound
Thereby, Anywhere In The Constitution Or Law
Of Any State To The Contrary Notwithstanding...

"U.S. Constitution Bill Of Rights"
"Article Four"

24) ■ The Right Of The People To Be Secure In
Their Persons, Houses, Papers, And Effects, Against
Unreasonable Searches And Seizures Shall Not
Be Violated; And No Warrants Shall Issue But
Upon Probable Cause, Supported By Oath Or
Affirmation, And Particularly Describing The
Place To Be Searched, And Persons Or Things To
Be Seized... .

25) MARSHALL V. MADISON : 5 U.S. 137 (1803)

"No Provisions Of the Constitution Is Devoid
To Be Without Effect", Anything That Is In
the Constitution Is Null And Void Ex Law", Clearly
For A Secondary Law To Come In Conflict With
the "SUPREME LAW" Was Illogical & ...

26) For Certainly, the "SUPREME LAW" Would
Prevail Over All Other Laws And Certainly Our
Forefathers Had Intended That the "SUPREME
LAW" Would Be The Basis Of All Law And Any
Law [REDACTED] To Come In Conflict Would Be Null
And Void Of Law, It Would Bare No Power
To Enforce; It Would Bare No Power To
Obey; It Would Support As If It Has NEVER
Existed, For Unconstitutionality Would Date From
The Enactment Of Such A Law, Not From The
Date So Created In An Open Court Of Law, No
Court's Are Bound To Obey It. It Operates
As A Non-Entity Of A Fiction Law".

If Any Statement, Within Any Law Which
Is Passed, Is Unconstitutional, The whole
law Is Unconstitutional By
- MARSHALL V. MADISON. -

(21)

Title 5 U.S. Code Sec. 556 (d)

Sec. 557, Sec. 706

Courts lose Jurisdiction If They
Do Not Follow Due Process Law.

TITLE 18, U.S. Code Sec. 2381 :

27.) In the Presence of Two or More Witnesses
of the Same Event Act, Or In An Open
Court Of Law, You Fail To Timely Move To
Protect And Defend the Constitution Of the
U.S. And Honor Your Oath Of Office, You
Are Subject To The Charge Of "Capital
Felony Treason".

AMERICAN JURISPRUDENCE Book 16
Constitutional Law Section-16 Am Jur
2d : 16 Am Jur 2d. Sec. 97:

28.) Then A Constitution Should Receive A
Literal Interpretation In Favor Of The
CITIZEN IS ESPECIALLY TRUE . . .

With Respect To Those Provisions Which Was

(2d.)

DESIGNED TO SAFEGUARD THE LIBERTY AND SECURITY OF THE CITIZEN IN REGARD TO PERSONS AND PROPERTY." BARRY V. UNITED STATES - 273 U.S. 125 :

"Any Constitutional Provision Intended To Confer A Benefit Should Be Liberally Construed In Favor In The Clearly Intended And Expressly Designated BENEFICIARY.

DEPRIVATION OF RIGHTS UNDER
COLOR OF LAW

- 29.) Section 242 Of The Title 18 Makes It A CRIME For A Person Acting Under Color Of Law, ANY LAW, To WILLFULLY DEPRIVE A Person Of A Right Or Privilege Protected By The Constitution Or Laws Of The United States..
- 30.) For The Purpose Of This Section 242, Acts Under "Color Of Law" Includes Acts Not Only Done By Federal, State, Or Local OFFICIALS Within Their Legal Authority, But Also Acts Done Beyond The Bounds Of That OFFICIAL'S Legal Authority, If The Acts Are

Done while the official is performing or
proceeding to act in the performance of
his/her official duties. Persons Acting Under
Color Or Law Within The Meaning Of This
statute Includes Police Officers, Person Guards
And Other Law Enforcement Officials, As
Well As Judges, Care Providers In Public
Health Facilities, And Others Who Are Acting
As Public Officials. If It Is Not Necessary
That The Crime Be Motivated By Animus
Toward The Race, Color, Religion, Sex,
Handicap, Familial Status Or National Origin
Of The Victim.

31.) The offense is punishable by a range
of imprisonment up to life term, or the
death penalty, depending upon the circumstance
of the crime, and the resulting injury, if
any.

Title 18, U.S.C. Section 242

32.) whoever, under color of any law, statute,
ordinance, regulation, or custom, willfully subjects

Any Person In Any State, Territory, Commonwealth,
Possession, Or District To The Deprivation Of Any
Rights, Privileges, Or Immunities Reserved Or
Protected By The Constitution Or Laws Of The
United States ... Shall Be Imprisoned Under This
Title Or Imprisoned Not More Than One Year,
Or Both; And If Bodily Injury Results From
The Acts Committed In Violation Of This Section
Or If Such Acts Include The Use, Attempted
Use Or Threatened Use Of A Dangerous
Weapon, Explosives, Or Fire, Shall Be Imprisoned
Under This Title Or Imprisoned Not More Than
Ten (10) Years, Or Both; And If Death
Results From The Acts Committed In Violation
Of This Section Or If Such Acts Include
Kidnapping Or An Attempt To Kidnap,
Aggravated Sexual Abuse, Or An Attempt To
Commit Aggravated Sexual Abuse, Or An Attempt
To Kill, Shall Be Imprisoned Under This Title, Or
Imprisoned For Any Term Of Years Or
For Life, Or Both, Or May Be Sentenced
To Death ...

"
Supervisor Liability"

33.) This Is An Action Under Civil Rights Act,
42 U.S.C. § 1983, And 28 U.S.C. § 1331, 1333
Bivens Action, Tort Claim, In The Nature Of
Monetary, Title B Case See. 2381, To Reward
Justice On A Claim Of Official Conduct, That
Has Gone So Far Beyond Any Reasonable Exercise
Of Discretion, That It Is Outside The Letter
And Spirit Of The Laws And Authority Granted;
(Mellor v. Ackerman, C.A. 8 (N.D. Ill.) 1973, 488
F.2d 920. Manusmes -kay -72) 3 And
Further Violations Of Administrative Procedure
Act, §§ 551 et. seq. And 701 et. seq. Of Title
5 Which Provides Relief Where A Clear Duty
Is Owed The Petitioners And There Is Abuse
Of Discretion. (Great v. Hearn, (A.3 D.A.)
1979, 505 F.2d 1220. Administrative Law
And Procedure -kay -663; Federal Courts
-kay -11;) 3 Causing Violation Of Procedural
Due Process And Deprivation Of Liberty,
Petitioners Detention, Without "Reasonable Cause"
Or Conviction? 3 A Clear Violation Of Constitutional
Rights, For Petitioners Who Were Detained For

Freedom or Without An Arrest or Without Probation
Cause - 200

34) So, the Commissioner, the Mayor, the Police Commission, the Deputy Commissioners, the Captains, the Lieutenant, Et Al - "All" Fall Under the Scope of Supervisory Liability, (And Not One That Was Missing), Because of the Fact That As Supervisors They Have Full Knowledge Of These Violent Actions -- The Police Officer Was A Full Compliment Assault Team -- Approximately About Sixteen Or More Officers -- Surely the Decency of Such A Team With 1971 The Accessories And Equipment Could Not Have Gone Unnoticed -- In Light Of These Actions, And Complete Disregard Of Their Administrative Duties Or Office, And To The Constitutional Laws Of The United States, Assessing Their Discretion And Acting Outside Limits Of Their Permissible Discretion, In Which Official Conduct Extended Beyond Any Rational Exercise Of Discretion; Mansanas Affairs Appropriate Judicial Policy (National Ass'n For Advancement of Colored People v. LEVI, D.C. D.C. 1976 418 F. Supp. 1189

(27.)

Plaintiffes in Law - 64 -- has No Law
Has Even Come To Petitioners To Offer Some
Compromise Or Compensation More Money & you
Has You Being Threaten With Guns, And
Physically Assaltes -- An Old lady 1454
Sixty-Four(64) yrs of age, In Junes In the
Process -- Why they Assaltes they know
Was Unnecessarily I'll -- Property Destroyed
-- And All Petitioners Got Is That "If
They Not Make A Claim In March (90) Days
They Forget Everythang -- Their claim Is
Dismissed -- It's Unconscionable -- It
Shocks ones Bone -- And Me A Whistle
to them -- Is that the kind of freedom I
Almost Gave My Life For? -- So that those
In Trustee Different Capacity Could Be Devoid
of Any Respect or Consideration For And Be Left --
And For the Administration To Take A ~~Safe~~ ⁵⁰ Car
And Blows Them -- And Allow Such like Actions
To Continue -- And Without Hesitance It Would
Blow Over -- They Could Not Contact Us
About the Threaten Destraction They Have
Done -- But They Could Contact Ms. Wilson
Therfore Her To Come In To Some

Know Or Testimony To Question Her About
Her Injuries Or That Day -- And They
Have The Medical Records Of Brookdale
Hospital -- And They Have All The Office
Names Who Work Involved. Knowledge That
Is Hard Bound. Interrogation Must
Be Provided For Her -- They Did Not
Contact Mr. Hernandez -- And They Had
Having This Interrogation In Their Office
The Defendants' Lawyers -- With Those
Actions By Her Part Can One Truly Say That
They Are Interested In Justice -- Or
Some One's Interest In "Terror" -- This
Is Clearly A Disgusting Accout To Society &
Civilization As We Know It -- Shameless --

35. At All Times Mentioned In This Summons/Claim
Suit Each Defendant Acted Under The Color Of
State And Federal Law So They Stated...
Each Defendant Is Sued Individually And
In His/Her Official Capacity -- And
Pursuant To The Notarized Notices They Have
Already Accepted Defendants Are Entitled To
Papers -- So Why Have They Not Made Contact

To Come To Some Forey Ex-Terms...

Petitioner Pays This Honorable Court
Someone Defendant's Et Al To Court To Answer
To This Effect ...

Rights Under The U.S. Const.
From Deprivation Of Liberty

36.) The Due Process Clause In The V Amend. Or
The United States Constitution Provides That [No]
Person Shall Be Deprived Of Life, Liberty,
Without Due Process Of Law." ... U.S. Const.
Amend. V. The Due Process Protections In
The Fifth Amendment Extends, Not Just To
American Citizens, But To All Persons Within
The Territory Of The United States ... Wong
Kwong Va. United States, 163 U.S. 228, 238
16 S. Ct. 977 41 L. Ed. 140 (1896) ...

37.) The Due Process Clause Includes Two Types
Of Protection, Substantive Due [^{*17}]
Process And Procedural Due Process. Substantive
Due Process Prevents Those In Official
Capacity From Engaging In Conduct That

"shocks the Conscience"), Or Interferes With Rights "Implicit In The Concept Of Ordered Liberty". It Is Well Established That "Freedom From Imprisonment Lies At The Heart Of The Liberty Clause, That IT Protects... United States v. Salazar, 481 U.S. 739, 107 S. Ct. 2095, 95 L. Ed. 2d 967 (1987) ...

Notarized Notice Requesting
Response Of Agree Or Disagree
As To The Actions Of New York
Police Dept. Violations:

(38) Petitioners Filed Three (3) "Notarized Notices" Of "Agree Or Disagree" - As To The Conduct And Actions Of The New York City Police Dept. Whether They Were Correct Or Not In Accord With The Statutes And Codes (i.e. "Supreme Law Of The Land") i.e., In Accord With Criminal Procedure Law Article 690 "SEARCH WARRANTS" (see Exhibits "A" "B" "C") And In Accord With Petitioners Civil Rights Secured By The U.S. Constitution ...

39) The Notarized Notices Was Dated - One
March 15, 2018 - ; Two April 23, 2018 - ; AND
Three - May 17, 2018 ; see Those Notarized
Notices Were All Hand-Delivered To the
New York Comptroller's OFFICE, Charles Hays
Associations, 1 CENTRE ST. Room 1200 ; New
York, N.Y. 10007-2341

40) The Notarized Notices Was Point Black It Serves
the City Administration Where the Services
In the "Right" Or "Wrong" . . . Ans That
If They Were In the "Right" Or "Wrong"
To Please Send Us Their Response . . .
Within Thirty (30) Days . . . Sends Our
Response To Ms. Wilson . . . Our Response
To Mr. Hamilton . . . And Our Response To
the Notary . . . The Notarized Notice Was
Explicit. A Non-Response Was Demanded
That This New York City Admin Is The
Comptrollers OFFICE IS IN FULL AGREEMENT
With Petitioners Ms. Wilson And Mr. Hamilton
that They Were Entitled To Relief To Their
FAVOR . . . Ans That Petitioners Will Be Contacted
Immediately By New York City Admins. (Comptroller)

As To Taxes Or A Settlement... .

44) However She Did Not Decide ... So Petitioners Sent Two (2) More Notarized Notices ... And No Deliveries With The Same Request ... Asking Where Are They Going To Make Good To The Settlement Funds ... Instead, They Have Their Lawyers Send A Correspondence On-Dated April 23, 2018, The Same Day The Second Notarized Notice Was Hand Delivered To The Comptroller's Office ... (See Exhibit "D") ... (See Paragraph #19 Of This Brief) ... Defendants Have The Resources To View Their Records

45) The Defendants, New York City Police Dept. et al Are In Full Agreement Of The Judgment Granting Petitioners, Ms. Wilson And Mr. Hamilton, In The Above Envelope, The 42 U.S.C. * 1983, 28 U.S.C. ** 1331, 1334, Bivens Action, Tort Claim, And In The Nature Of Mandamus:

1) That The Acts Omissions Described Herein Violates Ms. Wilson's And Mr. Hamilton's Human Rights

Under the Constitution and Laws of the
United States : U.S. Constitution, Article Six (6)
Clause Two (2) : Act. Jur. "Stonegaids v. United
States" L 457 U.S. 204, 206 : American Juris
Prudence Book 16 : 2d. Sect. 97 : Harvard v.
Madison, 5 U.S. 137 (1803) : Title 18, U.S.
Code Sec. 2381 : 2d Am Jur 2d. § Fourth
Amend. Of The U.S. Constitution ; Title 18, U.S.C.
Section 242 : Act of Apr. 30, 1871, Ch 22 §
117 Stat. 13 (Codified At 42 U.S.C. § 1983
(1982)) :

43) Wherefore the Petitioners, Mr. Belmont H. Wilson,
and Mr. Rosario V. Hamilton, Prays this Honorable
Court to Surveyor's Department, The New York City
Police Dept., The Comptroller's Office, The New York
City Administration of all to Confer and Agree
To the Judgment Hereinitherto Taken & A
Settlement . . .

44) As Pursuant To American Jurisprudence, In Liberty
Derivation Cases, The Settlement Is One Million
Six Hundred Thousand (\$1,600,000.00) Per
Day . . .

45.) Miss Wilson Was Injured As And She Was Deprived Her Freedom For Approximately Seven(7) To Eight(8) Hours; Coupled With The Gross Violations As Mentioned Seven Hundred Thousands (\$700,000.00) Dollars Plus.

Mr. Hamilton - Seven hundred thousands (\$700,000.00) Dollars Plus Any Costs.

46.) Petitioners Does Not Explicate The Father's Diverse Documental Experiences They Have Encountered Due To This Shocking Acts, More Are Just No Words and It Is Shareable and Wherefore, Petitioners Leaves The Plaintiff Damages To Be Assessed By This Honorable Court and Any Additional Report This Honorable Court Seeme Just, Proper, And Equitable.

We Declare Under The Penalty Of Perjury That The foregoing Is True And Correct:

Belinda A. Wilson

Belinda A. Wilson

Robert V. Hamilton

Robert V. Hamilton

KATHERINE PROCHILO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PR6170947
Qualified In Nassau County
My Commission Expires August 25, 2019

Notary

(35.)

United States District Court
Southern District of New York
State of New York Court
of Claims

Ms. Belinda A. Wilson
Mr. Roberto V. Hamilton
(Petitioners)

Pro-Se Litigants

V.

New York City Police Dept.

et al

Defendants

51)

We, the Petitioners, Ms. Belinda A. Wilson,
Mr. Roberto V. Hamilton, Request that these
proceedings be reviewed under the lesser
stringent standards for pro-se beliefs as per
Hanes v. Kerner 5404 U.S. 519 [1972]
[Pro-Se] Litigants pleadings are to be construed
liberally and held to less stringent standards
than pleadings dictated by lawyers.]

(40.)

5d)

- 1.) Petitioners Has Made Reasonable EFFORTS
TO Obtain Lawyers... & TO NO AVAIL
- 2.) Petitioners Are UNABLE TO AFFORD
Counsel... They HAVE REQUESTED LAWYER TO
Proceed IN FORMA PAUPERIS.
- 3.) The ISSUES In this CASE Involves THE U.S.
Constitution IT ALLEGES Deprivation Of Liberty; FALSE
ARREST; THE Bill Of Rights Article FOUR, 2d AMENDMENT
Evidence, Constitutional Law; U.S. CONST. Article SIX,
Clause 2; Absent Except Circumstances /Consent.
- 4.) Petitioners HAVE Limited Knowledge And Access
To The Laws... .

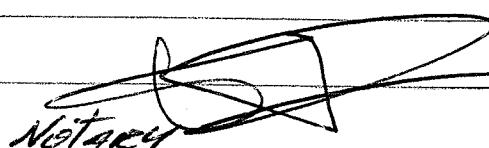
Wherefore Petitioners, Prays AND REQUESTS THAT
Plaintiffs Be CONSIDERED LIBERTY AND EXEMPTED... .

We Declare Under Penalty Of Perjury The foregoing
Is True And Correct.

Belinda A. Wilson
Ms. Belinda A. Wilson

Rosario V. Hamilton

KATHERINE PROCHILO
NOTARY PUBLIC STATE OF NEW YORK
No. 01PR6170947
Qualified in Nassau County
My Commission Expires August 25, 2019


Notary

(41)

53)

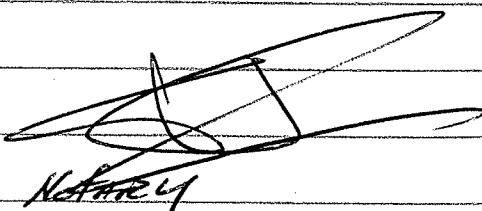
"Certificate of Service"

We the Petitioners, Ms. Belinda A. Wilson, And
Mr. Rosendo V. Hamilton, Pro Se, Hereto Certify That
I, Rosendo Hamilton Hand Delivered To The Pro-Se Office
At 500 Powell Street New York, N.Y. A Copy Of
This 42 U.S.C § 1983, 23 U.S.C § 1331, 1343, Brown
Action Taitt Clancy, Simmons, suit/clancy/ To the
Said Address.

Belinda A. Wilson
Belinda A. Wilson

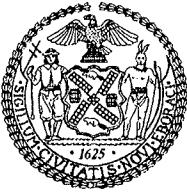
Rosendo V. Hamilton

KATHERINE PROCHILO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PR6170947
Qualified In Nassau County
My Commission Expires August 25, 2019



Rosendo V. Hamilton
APT 1L
147 Somers St.
Brooklyn N.Y. 11233

(Mz.)



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
CLAIMS AND ADJUDICATIONS
1 CENTRE STREET ROOM 1200
NEW YORK, N.Y. 10007-2341

WWW.COMPTROLLER.NYC.GOV

015 - 151

Scott M. Stringer
COMPTROLLER

Date: 03/20/2018
Claim No: 2018PI008319
RE: Acknowledgment of Claim
Your Claim/Policy#:

ROBERTO V HAMILTON
147 SOMERS ST APT 1L
BROOKLYN, NY 11233

Dear Claimant:

We acknowledge receipt of your claim, which has been assigned the claim number shown above. Please refer to this claim number in any correspondence or inquiry you may have with our office.

We will do our best to investigate and, if possible, settle your claim. However, if we are unable to resolve your claim, **any lawsuit against the City must be started within one year and ninety days from the date of the occurrence.**

If you have any questions regarding your claim, you may contact us at 212-669-2478 for claims involving personal injury.

Sincerely,

Bureau of Law & Adjustment

This form is unofficial and provided primarily for pro se litigants. It should be completed in accordance with the substantive pleading requirements of Court of Claims Act section 110(b).
RECEIVED
NYC COMPTROLLER
CENTRALIZED IMAGING SYSTEMS
IMAGING FACILITY

State of New York
Court of Claims

ROBERTO V. Mardian

2010 MAR 16 P 1:37

Claimant(s)

New York City Police
Department
ET AL

Defendant(s)

Claim #
201891008319

1. The post office address of the claimant (you) is 147 Somers St.
Apt 1L - Brooklyn N.Y. 11233

2. This claim arises from the acts or omissions of the defendant. Details of said acts or omissions are as follows (be specific): On Dec. 15, 2017 AT APPROXIMATELY 8:30 P.M. POLICE OFFICERS SWAT TEAM BROKE DOWN MY APT. DOOR AND OFFICERS STATED THEY HAD SEARCH WARRANT AND FLICKED ME A PIECE OF PAPER WHICH I WAS NOT PERMITTED TO READ. THE OFFICERS STATED I WOULD GET FEDERAL HELP. A COPY OF
HOWEVER PRIOR TO HIS CONVERSATION, POLICE WAS ALREADY AT MY BED ROOM. AT WHICH POINT W.S. BETWEE Wilson, A TERMINALLY ILL FRIEND, WHOSE HELP WAS PUSHED TO MY SIDE. I STEPPED IN BETWEEN OFFICERS AND HER. OFFICER RANMED ME WITH SHIELD PUSHING ME BACK BUT I DID NOT FALL. THEN OFFICER GRABBED HIS SWAT TEAM AND WHEN THERE WERE RED DOTS ALL OVER US. THIS TIME AT LEAST 3 OFFICERS RANMED ME WITH SHIELDS KNOCKING DOWN ON TOP OF

(SEE ATTACHED)

3. The place where the act(s) took place is (be specific): 147 Somers St.
Apt 1L Brooklyn, N.Y. 11233

4. This claim accrued on the 15 day of DECEMBER, 2017 at 8:30 o'clock.



New York City Comptroller
Scott M. Stringer

Office of the New York City Comptroller
1 Centre Street
New York, NY 10007

Insurance Information

Do you have insurance?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Did you report your accident to your insurance company?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Were you paid by your insurance company?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Is payment pending?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Deductible Amount:	<input type="text"/>
Insurance Company Name:	<input type="text"/>
Address:	<input type="text"/>
Address 2:	<input type="text"/>
City:	<input type="text"/>
State:	<input type="text"/>
Zip Code:	<input type="text"/>
Policy #:	<input type="text"/>
Phone #:	<input type="text"/>
Agent Name:	<input type="text"/>

City vehicle information

Plate #:	<input type="text"/>
City Driver Last Name:	<input type="text"/>
City Driver First Name:	<input type="text"/>
*Total Amount Claimed:	<input type="text"/>

Format: Do not include "\$" or ",".

Date

State of New York
County of

I, Robert J. Hamilton, being duly sworn depose and say that I have read the foregoing NOTICE OF CLAIM and know the contents thereof: that same is true to the best of my own knowledge, except as to the matter here stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

Signature of Claimant

Sworn before me this day

March 15, 2018

Signature of notary

DAMARIS RODRIGUEZ-TORRES
Notary Public, State Of New York

No. 01R06340594
Qualified In Queens County
Commission Expires 4/18/2020

State of New York

Courts of Claim

ROBERTO V. HAMILTON,

claimant,

REQUEST TO PROCEED
IN FORMA PAUPERIS

vs.

THE NEW YORK CITYU DEPT.

OF POLICE ... ET AL.,

Defendant

I, the petitioner, Roberto V. Hamilton, request that these proceed in Forma Pauperis and without being required to prepay fees or cost or given security. Petitioner states that because of his poverty he's unable to pay the cost of said proceeding or to give security thereof, and that he believes he is entitle to redress.

I am not employed

I am a Vietnam Veteran....

My only income is V.A. Pension ... \$1,089.00
per month ... I pay Rent, Light, and Gas I do not
own House, Building, Stock, Bonds, Notes, Automobiles
or other property...

I do not have any money, including any money in a checking or saving account.

The petitioner is indigent ... and literally barely makes it on his V.A Pension. His only sources of income ... He will require and this civil case.

State of New York
Court of Claims

Roberto V. Hamilton
(Claimant)

V.

New York City
Police Department
Et Al
(Defendants)

Notice of Claim
Complaint/Suit
Under the Constitution
Of the U. S.... Under
The Civil Right Act,
V2 U.S.C.1983...
28 U.S.C. §1331,
1343, Bivens Action
Tort Claim in the
Nature of Mandamus

Jurisdiction and Venue
“Dual – Concurrent Jurisdictions”
Notice is preempted for Civil Rights
Action: Felder v. Casey

Section 1963 of Civil Rights Act; A successor of the of 1871, was Enacted in Response to a perceived unwillingness of states to protect their citizens rights. The statue provides direct access to a judicial forum to all individuals who claim their constitutional of others Federal Rights had been violated by persons action under color of states law.

42 U.S.C § 1983. The section provides: every person who, under color of any statute, or ordinance, regulation, custom, or usage, of any state of Terry Tory or the district of Columbia, subjects, of causes to be subjected, any citizen of the U.S. or other person within the Jurisdiction there of to the deprivation of any rights, privileges, or immunities secured by the constitution an laws, shall be liable to the party insured in an action at law, suit in equity, or other proper proceeding for redress. For the purpose of this section, any act of congress applicable exclusively to the District of Columbia shall be considered to be a statue of the District of Columbia Id.

Act pf Apr. 20, 1871, ch.22, § 1.17 Stat. 13 (codified at 42 U.S.C. § 1983 (1982).

This act provided in pertinent Part: [A]ny person who, under color of any law statute, ordinance, regulation, custom; or usage of any statue, shall subject, or cause to be subjected, any privileges, or immunities secured by the constitution of the U.S., shall custom, or usage of the state to the contrary notwithstanding, be liable to the party insured in any action at law, suit in equity, or other proper proceeding for redress....

See Monroe v. Pape, 365 U.S. 167, 180 (1961), Overr'd on other grounds, Sub Nom, Moneo v Dept. of Social Services, 436 U.S. 658 (1978) ... Due to discrimination, enforcement of state law was questionable leading to federal legislation as a protective measure. Id. The states failure to address the protection of private rights led to the need for federal action Id. At 23 n 46.... Se also patsy v. Florida Bd. Of regents, 457 U.S. 496, 503 (1982).

Statement of Claim

I, Roberto V. Hamilton, the plaintiff, depose and state, that about 8:30 P.M. in the evening, on December 15, 2017, I was in my bed room preparing to watch a T.V. program ... When I heard out of Nowhere a loud boom...

And my friend Ms. Belinda Wilson was sitting at the kitchen table... By the time I jump out of my bed the police officers / SWAT Team were at my bed-room door... Now Ms. Wilson is a terminally Ill senior citizen ... Whom I look after...

she came to my side as the officers proceeded to rush is with the crash shields... I went in between Ms. Wilson and the on-coming officer, who yelled get on the floor... At the same time hitting me with the shield ... I did not go down at first more concerned foe Ms. Wilson...

This time three (3) of the officers renewed their attack with crash shield and now taking out their guns... Red Dots was floating all over bodies.... They knocked me down on top of Ms. Wilson injuring her leg, to the point she had to be taken to the hospital by ambulance ... She cold not walk ... Doctors at Brookdale Hospital diagnose her as having a torn ligament which will never heal... Because of her condition she will always have issues.

They hand-cuffed me, and states they had a search warrant, which I was not allowed to view... I ask for a copy officers responded that I would get one...

I was taken to the 73rd precinct... And underwent arrest, procedures.... I asked why was under arrest... No one answered me... I asked why did they come to my apartment ... They said they had warrant and that they were looking for anything illegal ... I told officers I had been living at this apartment for over 11 years... Nothing like this has ever happened before... I asked why are they here... I asked should not a warrant be specific ... Officers stated I had nothing to worry about. Then they proceeded to tear the place apart... They held me incarcerated about seven (7) hours ... No nothing.

I asked again for a copy of said warrant ... Officers stated, a Lieutenant, that I was no longer under arrest... There was no charges... Officer, a Lieutenant Detective, who would not give me his name, said I did not need it because there was action being continued against me ...

Prior to this officer stated that they who contacted my landlord ... Landlord said that no one contacted him from the police department...

When I finally arrived home, everything was trashed... Heirlooms from my grandmother was broken... Stereo was broken... Clothed and furniture was tossed and left in the hallway... soaked in water... Things that I could never replace was destroyed. Front door was destroyed... Gift that was sent to me form other countries, destroyed... I collected antiques... mostly given to me by my mother and grandmother... Given to her by her mother... Books destroyed ... Left soaking on pool of water...

Ms. Wilson stayed in hospital two (2) days...

I have photos on my cell phone... I will submit them... The dollar value is hard to place... Most od these items could never be replaced...

Therefore, plaintiff pays that this civil suit will be granted extreme prejudice in his favor... And abuse of such authority never occurs again ... Thereby setting a precedence, of severe penalty, especially to those in authority, that they are not above the constitution, federal, and state laws of these United States... That they cannot continue with these blatant arbitrary acts with impunity...

U.S Constitution Bill of Rights Article Four

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searched and seizures shall not be violated; and no warrants shall issue but upon probable cause. Supported by oath or affirmation and particularly describing the place to be searched, and persons or things to be seized...

Mar Bury v. Madison: 5 U.S. B7 (1803) “No provisions of the constitution is designed to be without effect”. Anything that is in the constitution is null and void of law”, clearly for secondary law to come in conflict with the “Supreme Law” was illogical;

For certainly, the Supreme Law would prevail over all other law and certainly our forefathers had intended that the Supreme Law would be the bases of all law and any law to come in conflict would be null in void of law, it would bare no power to enforce ; if would support as if it had never existed, for unconstitutionality would date form the enactment of such a law, not form the date so granded in an open court od law , no courts are bound to obey if. It operates as a near nullity or a fiction of law”.

If any statement, within any law which is passed, is unconstitutional, the whole law is unconstitutional by – “Mar Bury v. Madison”—

Title 5 U.S. Code Section (d)

Sec. 557, Sec. 706

Courts lose jurisdiction if they do not follow due process law.

Title 18, U.S. Code Sec.2381:

In the presents of two or more witnesses of the same overt act, or in a open court of law, you fail to timely move to protect and defend the constitution of the U.S. and honor your oath of office, you are subject to the charge of “Capital Felony Treason”.

American Jurisprudence Book 16

Constitute Law Section – 16 Am Jur.

2d: 16am Jur. 2d Sec. 97:

“Then a constitution should receive a literal interpretation in favor or the citizen is especially true...

Illegal Search

American Juris Prudence:

- “STEAGALD v. United States – A.) Absent Exigent circumstance or consent, a home may not be searches without warrant ... Concluding that a search warrant must be obtained absent exigent circumstances [451 U.S. 204, 206].

Fourth Amendment to the U.S. Constitution

(Amendment IV) to the U.S. Constitution prohibits unreasonable searches and seizures. It requires Gov. +Authorities searches + seizure to be conducted only upon issuance of a warrant...

B.) Common Law, contrary to the Gov. and Police Dept. Assertion does not furnish precedent for upholding the search in question but rather sheds little on the narrow issue presented of whether an arrest warrant, as opposed to a search warrant, is adequate to protect the IV amendment Rights interest of person not named in warrant, when their home is searched without their consent and in the absence of exigent [451 U.S. 204, 205] circumstances. Moreover, the history of the IV amendment Strongly suggest that it's framers would not have the search in question.

The fourth amend. of the constitution of the U.S. ensures that “the right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized...”

“29 Am Jur 2d. Evidence”

Constitutional Law”

Your constitution is and iron clad contract enforcement is a court of law:

The U.S. constitution, article six (6) clause 2: ... This constitution, and the law of the U.S. which shall be made in purchase thereof and all treaties made, or which shall be made under the authority of the U.S. shall be the – “Supreme law of the land”; and judges in every state shall be bound thereby, anything in the constitution or law or any state to the contrary notwithstanding...

Title 18, U.S. Code Sec. 2381:

In the presents of two or more witnesses of the same Overt Act, or in open court of law, if you fail to timely move to protect and defend the constitution of the duties states, and honor your oath of office, you are subject to the charge of capital felony treason:

Agree _____ ... Disagree _____ ...

American Jurisprudence Book 16: Constitutional Law Section – 16 AM Jur 2d:
16Am. Jur.2d. Sec. 97:

“Then a constitution should receive a literal interpretation in favor of the citizen, is especially true... With respect to these provisions which were designed to safeguard the liberty and security of the citizen in regard to person property”. Bray v. United Stated – 273 U.S. 125:

Agree _____ ... Disagree _____ ...

Marbury v. Madison: 5 U.S. 137 (1803) “No provision of the constitution is designed to be without effect,” anything that is in the constitution is null and void of law,” clearly for a secondary law to come in conflict without the supreme law was illogical....

For certainly, the supreme law would prevail over all other laws and certainly our forefathers had intended the supreme law would be the bases of all law and any law to come in conflict would be null and void of law, it would Bare no power to enforce, it would Bare no power to obey, it would support as if it had never existed, for unconstitutionality would date from thee enactment of such a law, not form the date so branded in an upon court or law; no courts art bound to uphold it, and no citizen ae bound to obey if.it operates as a near nullity or a fiction of law...If any statement within any law which is passed, is unconstitutional, the which law is unconstitutional, the whole law is unconstitutional by – “Marbury v. Madison” –

“29AM Jur.2d Evidence” Constitutional Law”

Your constitution is an iron clad contract, enforceable is a court of law: ...

Agree _____ ... Disagree _____ ...

U.S. Constitution, Article Six, clause 2:

This constitution, and the law of the United States of America, which shall be made in purchase thereof and all treatise made, or which shall be made under the authority of the United States shall be the – “supreme law of the land”; and judges in every state shall be bound thereby, anything in the constitution or law of any state to the contrary notwithstanding....

American Jurisprudence – (Illegal Search)

- “STEAGALD v. United States”-

A. Absent exigent circummudane or consent, a home may not be searched without a warrant. Concluding that a searches warrant must be obtained absent exigent circumstances [451 us. 209, 206]

Agree _____ ... Disagree _____ ...

Fourth amendment to the U.S. Constitution prohibits unreasonable searches and seizures. It requires gov. searches and seizures to be combusted only upon issuance of a warrant ...

Agree _____ ... Disagree _____ ...

Common law, contrary to the gov. assertion does not furnish precedent for upholding the search in question but rather sheds little on the narrow issue presented od whether as arrest warrant, as opposed to a search warrant, is adequate to protect the IV amendment rights interest of person not name in the warrant, when their home is searched without their consent and in the absent of exigent [451 U.S. 204, 205] circumstances... moreover the history of the IV amendment strongly suggests that it's framers would not have the search in question,

Agree _____ ... Disagree _____ ...

The fourth amendment of the constitution of United States ensurd that “the right of the people to be secure in their person, houses papers, and effects, against unreasonable searches and seizures shall not be violates, and no warrants shall issues, but upon probable cause, supported by oath of affirmation, and particularly describing the place to be searched, and the persons, or things to be seized...

Agree _____ ... Disagree _____ ...

Section 1983 of Civil Rights Act. 42 U.S.C. § 19853... The provider:

Every person who, under color od any statute, ordinance, regulation, custom, or usage, of any state or territory of the district of Columbia, subject, or causes to be subjected, any citizen of the United Stated or other persons within the jurisdiction thereof to me deprivation of any right, privileges, or immunities secured by the constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purpose of this section, any act of congress applicable exclusively to the District of Columbia shall be considered to be a statue of the District of Columbia.

Agree _____ ... Disagree _____ ...

Act of Apr 20, 18714, Ch. 22, § 1.17 Stat. 13 (codified at 42 U.S.C. § 1983 (1982)

This act provided in pertinent part: [A]ny person who, under color of any law, statute, ordinance, regulation custom; or usage of any state, shall subject, or cause to be subjected, any privileges, or immunities secured by the constitution of the United States, shall any such law, statute, ordinance, regulation custom, or usage of the state to the contrary notwithstanding, be liable to the party injured in any action at law, suit in equality, or other proper proceeding for redress...

Agree _____ ... Disagree _____ ...

Title 10, U.S.C. Section 242:

Makes it a crime for a person acting under color of law, any law, to willfully deprive a person od a rights or privilege protected by the constitution or laws of the United States:

Agree _____ ... Disagree _____ ...

For the purpose of section 242, acts under "color of law" included acts not only done by federal, states, or local official within their lawful authority, but also acts done beyond the bounds of that official's lawful authority if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons action under color of law within the meaning of this statutes includes, police officers, prison guards, and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. If is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial states or national origin of the victim.

Agree _____ ... Disagree _____ ...

Title 18, U. S.C Section 242:

Whoever, under color of law of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any state, territory, common wealth, possession, or district to the deprivation if any rights, privilege, or immunities secured of protected by the constitution or laws of the United States... Shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts includer the use, attempted use our threatened use of a dangerous weapon, explosive, or fire, shall be fines under this title or imprisoned not more than ten years, or both; ... And in death results from the acts committed in violation of this section or such acts include kidnapping, or an

attempt to kidnap; aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or attempt to kill, shall be fines under this title, or imprisoned for any terms of years, or for life. Or both, or may be sentenced to death...

Agree _____ ... Disagree _____ ...

Plaintiff, Roberto V. Hamilton, should have been given a copy of search warrant...

Agree _____ ... Disagree _____ ...

Plaintiff, Roberto V. Hamilton, should have signed receipt that he received copy thereof, and that police officers furnished said copy or warrant...

Agree _____ ... Disagree _____ ...

Plaintiff, Roberto V. Hamilton, pointedly requested sexual times for copy of said search warrant...Even at 73rd percent, upon entry into jail cell ... and upon release seven (7) hours later... plaintiff was denied copy of said warrant and never received one... Plaintiff, Mr. Roberto V. Hamilton believe this to be a violation of procedural due process rights , and clearly fourth amendment and a host of other right.

Agree _____ ... Disagree _____ ...

American Jurisprudence:

Due to the fact that no-one can place a price on one's life, nor ever retrieve those lost moments in life ... 'Ever"!...

Agree _____ ... Disagree _____ ...

Pursuant to American Jurisprudence, in severe liberty deprivation cases, in severe liberty deprivation cases, the set cap is “\$1,600,000.00 (One million six hundred thousand dollars per day); ...

Agree _____ ... Disagree _____ ...

Conclusion:

Plaintiff, Mr. Roberto V. Hamilton, is a sixty-six (66) years of age Vietnam Veteran ... And has lived at his current address 147 Somers Street apt 1L for a little over eleven (11) years without such an incident...Ever, ...

Wherefore plaintiff prays a judgement granting his 42 U.S.C * 1983, 28 U.S.C ** 1331, 1334, Bivens action, tort claim, and in the nature of mandamus:

- 1.) A declaration that the acts omissions described here in violated Mr. Hamilton human rights under the constitution and laws of the United States: U.S. Constitution, article six (6) clause 2: A. Jur. STEAGALD v. United States" [451 U.S. 204; 206: American jurisprudence book 16: 2d. Sect. 97: Marbury v. Madison, 5 U.S.137 (1803): Title 18, code sec. 2381: 29 AM. Jur. 2d: Fourth Amendment of the constitution: Title 18, U.S.C. section 242: Act of Apr. 20, 1871, Ch. 22, § 1983 (1982).
- 2.) A preliminary and permanent injunction ordering defendants -Et Al...
 - (A.) To provide amendments thousand dollars (\$700,000.00), Plus other covetous... as pursuant to am.jur.pro.
 - (B.) Honor the statutes + Codes of constitution of the United States of America

Further plaintiff, Mr. Roberto V. Hamilton, does not explicate the further detrimental experiences he has incurred due to this unconscionable erroneous acts of blatant abuse of authority + powers...

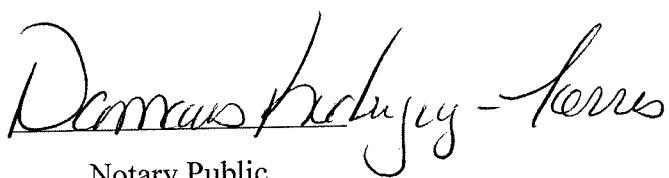
I declare under the penalty of perjury that the foregoing is true and correct...



Roberto V. Hamilton

Sworn to before me 15th day, on this March, 2018

Date. 03/15/2018



Notary Public

DAMARIS RODRIGUEZ-TORRES

Notary Public, State Of New York

No. 01R06340594

Qualified In Queens County

Commission Expires 07/18/2020

Forward response to:

Roberto V. Hamilton

147 Somers Street Apt.1L

Brooklyn, NY 11233

The Civil Right Acts of 1871 guaranteed against invasion of one's fundamental rights by the states. Id. By providing a federal remedy, congress had opened the federal courts in response to the failure of states to provide justice. Allen v. Mc Curry, 449 U.S. 90, 111 (1980) (Blackmun J., Dissenting) ... See Lynch v. Household Fin. Corp. 405 U.S. 538, 543 (1972) Pre-Decessor of Section 1983 Intended to Provide Federal Judicial (Forum):

States remedies were unsatisfactory because state courts were F, there prejudicial or incapable of protecting their citizens rights. Blackmun, section 1983anis the federal protection of individual rights – will the statue remain alive or fade away? 60 N.Y.V.L. Rev. 1,5 (1985) See note, the Civil Rights Act, of 1871 – continue vitality, 40 Notre Dame. L. Rev. 70, 74 (1964) (claim authorized upon state abuse of public trust) See also globe, supra note 2, at 321 (remakes of rep. Stoughton) (state authorities and local courts are unable or unwilling to check the end or punish the criminals); Id. At 374 (remarks of rep. Lowe) ("Local Administration have been found inadequate or unwilling to apply the proper corrective).

...See Burnett v. Grattan, 468 U.S. 42, 50 (1984) ... Civil Right Actions, the remedies of which are separate and distinct from state law, "are judicially enforceable (In federal court) in the first instance." Id. Section 1983 was intended to throw open the doors of the federal courts, allowing immediate redress for civil right claimants.... Pasty, 457 U.S. at 504 (Quoting Globe supra note 2, at 476) see Webb v. Dyer county Bd. of EDVC., 471 U.S. 234, 249 (1985) (Congress intended to enable civil rights litigants to proceed expeditiously to court); McCurry, 449 U.S. at 112 (Blackmun, J. Dissenting) (Section 1985 embodies strong congressional policy that federal courts are primary arbiters of constitutional fights)

It has been argued that requiring individuals to exhaust their administrative remedies prior to distaining access to federal courts stands as an obstacle to one's direct access....

Pasty 457 U.S. at 509-10. The Act has been interpreted as providing a "Dual or concurrent forums" In both the federal and state courts; making it easier for the plaintiff to obtain relief. Id. At 506. Accord Maine v. Thiboutat, 448 U.S. 1,3 n. 1 (1980) (section 1983 intended to provide concurrent jurisdiction); ... Martinez v. California, 444 U.S. 277, 283 n.7 (1980) (Same)....

Therefore, the application of state polic[ies] restricting remedies against public officials to section 1983 action has been regarded as a frustration of the acts objectives... Burnette, 468 U.S. at 55 n 18. ... see globe, supra note 2, at 376 (remarks of rep. Lowe) (section 1985 remedial objective is to be pursued notwithstanding any provisions of state law to contrary)

Federal courts have dispensed with certain state procedural requirements in order to serve the purpose behind section 1983, ... see eg; Majette v. Connor, 811 F.

2d 1416, 1418 (11th Cir. 1987) (struck down requirement that plaintiff exhaust all other remedies before beginning section 1983 action) Ehlers v. City of Denature, 614 F.2d 54, 56 (5th Cir. 1980) (Federal courts cannot require exhaustion in section 1983 action); Mathias v. Milwaukee Dept. of City DEV., 377 F. Supp. 497, 500 (E.D. Wic. 1974) (Same); C.F. McDonald v. West Branch, 466 U.S. 284, 290 (1984) (Section 1983 enacted to provide judicial proceeding to protect individuals federal statutory and constitutional right).

Federal courts have generally disallowed “Notice of Claim” provisions as an unwarranted precondition to section 1983.... Litigation... See, e.g., Donovan v. Reinbold, 433 F. 2d 738, 741-42 (9th Cir. 1970) (congress dis not intend to adopt state remedies or procedures when determining federal rights).

03/15/2018




Roberto Hernandez


Damaris Rodriguez-Torres

DAMARIS RODRIGUEZ-TORRES
Notary Public, State Of New York

No. 01R06340594
Qualified In Queens County
Commission Expires 07/18/2020

With respect to those provisions which was designed to safeguard the liberty and security of the citizen in regard to person and property". Bray v. United States – 273 U.S. 125:

"Any Constitutional provision intended to confer a benefit should be liberally construed in favor in the clearly intended ad expressly designated beneficiary.

Deprivation of Rights Under Color of Law

Section 242 of the title 18 makes it a crime for a person acting under color od law, any law, to willfully deprive a person of a right of privilege protected by the constitution or laws of the United States.

For the Purpose of section 242, acts under "Color od Law" Includes acts not only done by federal, state, or local official within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to of pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of his statute includes police officers, person guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It s not necessary that the crime be motivated by animus towards the race, color religion, sex, handicap, familial statues or national design of the victim.

Ten offenses is punishment by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

Title 18, U.S.C. Section 242

Whoever, under color of any law, statue, ordinance, regulation, or customs, willingly subjects any person in any state, territory, commonwealth possession, or district to the deprivation of any right, privileges, or immunities secures or protected by the constitution or laws of the United States.... Shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts included use of a dangerous weapon, explosives, or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or attempt to kidnap, aggravated serval abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or life, or both, or may be sentenced to death...

Supervisor Liability

This I san action under Civil Rights Act, 42 U.S.C § 1983, and 28 U.S.C & 1331, 1343, Bivens Action, tort claim, to render justice on a claim of official conduct, that has gone so far beyond any rational exercise of discretion, that if is outside the letter and spirit of the laws and authority granted; (Miller v. Ackerman, C.A.8 (Neb.) 1973, 488 F.2d 920. Mandamus of administrative procedure act, **551 et. Ser. And 701 et. Seq. of Title 5, which provided relief only where a clear duty is owed the petitioner and or where is abuse of discretion. (Grant v. Hogan, C.A.3 (PA.) 1974, 505 F.2d 1220. Administrative law and procedure ~Key~663; Federal courts ~Key~ 11); causing violation of procedural due process and deprivation of liberty, prolonged detection, without “probable cause, or conviction”; a clear violation of constitutional right, on plaintiff, who was deprived his freedom... without an arrest.... Plaintiff is “Sixty-Six (66) years of age....:

So, the Governor, the Mayor, the Police Commissioner, the Deputy Commissioner, the Captains, the Lieutenants, Et Al— “All”— fall under the scope of supervisory liability, (and anyone that was missed), Because of the fact that as supervisors they have full knowledge of these vile action... The police team was a full compliment assault team... Approximately about sixteen (16) officers or more ... Surely the organizing of such a team, with all the excessories and equipment could not have gone unnoticed... In light of these action, and complete disregard of their administrative duties of office, and to the constitutional law of the United States, abusing their discretion and acting outside limits of their permissible discretion, in which official conduct extended beyond any rational exercise of discretion, mandamus affords appropriate judicial relief. (National Ass'n for Advancement of Colored People v. Levi, D.C.D.C, 1976 418 F. Supp. 1109. Mandamus ~Key~64.... And no one has even came to plaintiff to offer some semblance of compensation and apology... Mind you being threaten with guns, physically assaulted... And elderly lady, sixty-four (64) Years of age, injured in the process... whom they admitted to know she was at ready terminally ... property destroyed... And all plaintiff gets is that “If a notice of claim is not filed in ninety (90) days their claim id dismissed”. It’s unconscionable ... It shock one’s being...That those in trusted official capacity could be so devoid of any consideration, or respect for and of life” ... And to turn a deaf ear blind eyes and allow such vile Actions to continue As we come to know it...

At all-time mention in this complaint each defendant acted under the color of state and federal law...So they stated....

Rights Under the U.S. Constitution and from Deprivation of Liberty:

The due process clause of the fifth amendment of the United States Constitution provides that “[N]o person shall... be deprived of life, liberty, without due process of law” ... U.S. constitution amendment v. The Due Process Protections of the Fifth Amendment extend, not just too American citizen, Nut to all persons within the territory of the United States... Wong Wing v. United States, 163 U.S. 228, 238 16 S. Ct. 977 41 L. El. 140 (1896) ...

The due process clause includes two types of protection, substantive due [*17] process and procedural due process, substantive due process prevents these in conduct that “shocks the conscience” or interferes with right “implicit in the concept of orders liberty”. It is will established that “Freedom from imprisonment lies at the heart of the liberty that clause protects... United States v. Salerno, 481 U.S. 739, 107S. Ct. 2095, 95 L. Ed.2d 967 (1987) ...

Criminal Procedure Law

Title “T”— Procedures for securing evidence by means of court order and for suppressing evidence unlawfully or improperly obtained

Article 690- Search Warrants

Notice: Is now given requesting that agreement or disagreement response be made to each item presented... disagreement must be explicit and in corroborate with statues and codes of the “Supreme Laws of the Land of these here United States of American “. Items by item... Notice is given of a response within thirty (30) days from date of the notice... No response is deemed that this administration od New York City and State is in full agreement with plaintiff, Mr. Roberto V. Hamilton, in his favor... And that plaintiff will be immediately contacted by this administration of New York City and State, for the settling forms of agreement states, forthwith, ... One 91) response will be sent to plaintiff... and one (1) to notary...:

Article 690-Search Warrants:

- 1.) Under circumstances prescribed in this article, a local criminal court may, upon application of a police officers, a district attorney or other public servant acting in the course of his official duties, issue a search warrant...

Yes _____ No _____ ...

- 2.) A search warrant is a court order and process directing a police officer to conduct a search of designated promises, or of a designated vehicle, or of a designated person, for the purpose of seizing designed property or kinds of property, and to deliver any property so obtained to the court which issues the warrant...

Agree _____ ... Disagree _____ ...

A.) Was any property seizing ... was warrant issued?

Yes _____ No _____ ...

Section 690.10: Search warrants; property subject to seizure there under:

Personal property is subjected to seizure pursuant to a search warrant if there is reasonable cause to believe that if:

- 1) Is stolen: or
- 2) Is unlawfully possessed: Or
- 3) Has been used, or is possessed for the purpose of being used, to commit or conceal the commission of an offense: or
- 4) Constitutes evidence or tends to demonstrate that an offense was committed or that a particulate person participated in the commission of an offense:

Agree _____ ... Disagree _____ ...

Section 690.15: Search Warrants what and who are subject to search thereunder:

1. A search warrant must direct a search of one or more of the following:
 - a) A designated or describes place or premises;
Agree _____ ... Disagree _____ ...
 - b) A designated or describe vehicle, as that term is defined in 100.00 of penal law;
Agree _____ ... Disagree _____ ...
 - c) A designated or describe person.
Agree _____ ... Disagree _____ ...
2. A search warrant which directs a search of a designated or described place, premises or vehicle, may also direct a search of any person present thereat or therein...
Agree _____ ... Disagree _____ ...

Section 690.20: Search Warrants; Where Executable

- 1.) A search warrant issued by a district court, the New York City criminal court or a superior court judge sitting as a local criminal court may be executed pursuant to its terms anywhere in the state.

Agree _____ ... Disagree _____ ...

- 2.) A search warrant issued by a city court, a town court or a village court may be executed pursuant to its terms only in the county of issuance or an adjoining county.

Agree _____ ... Disagree _____ ...

Section 690.25 Search warrants; to whom addressable and by whom executable:

- 1.) A search warrant must be addressed to a police officer whose geographical area of employment embraces or is embraced or partially embraced by the county of issuance. The warrant need not be addressed to a specific police officer but may be addressed to any police officer of a designated classification, or to any police officer of any classification employed or having general jurisdiction to act as a police officer in the county.

Agree _____ ... Disagree _____ ...

- 2.) A police officer to whom a search warrant is addressed, as provided in subdivision one, may execute it pursuant to its terms anywhere in the county of issuance or an adjoining county, and he may execute it pursuant to its terms in any other county of the state in which it is executable if (a) his geographical area of employment embraces the entire county of issuance or (b) he is a member of the police department or force of a city located in such county of issuance.

Agree _____ ... Disagree _____ ...

Section 690.30 Search warrants; when executable:

- 1.) A search warrant must be executed not more than ten days after the date of issuance and must thereafter be returned to the court without unnecessary delay.

Agree _____ ... Disagree _____ ...

- 2.) A search warrant may be executed on any day of the week. It may be executed only between the hours of 6:00 A.M. and 9:00 P.M., unless the warrant expressly authorizes execution thereof at any time of the day or night, as provided in subdivision five of section 690.45.

Agree _____ ... Disagree _____ ...

Section 690.35 Search warrants; the application:

- 1.) An application for a search warrant may be in written and it must be made, subscribed and sworn to by a public servant specified in subdivision one of section 690.05.

Agree _____ ... Disagree _____ ...

- 2.) The application must contain:

- (A.) The name of the court and the name and title of the applicant; and
- (B.) A statement that there is reasonable cause to believe that property of a kind or character described in section 690.10 may be found in or upon a designated or described place, vehicle or person;

Agree _____ ... Disagree _____ ...

- (C.) Allegations of fact supporting such statement. Such allegations of fact may be based upon personal knowledge of the applicant or upon information and belief, provided that in the latter event the sources of such information and the grounds of such belief are stated. The applicant may also submit depositions of other persons containing allegations of fact supporting or tending to support those contained in the application;

Agree _____ ... Disagree _____ ...

- (D.) A request that the court issue a search warrant directing a search for and seizure of the property or person in question; and

Agree _____ ... Disagree _____ ...

- 3.) The application may also contain:

- (A.) A request that the search warrant be made executable any time do the day or night, upon the grounds that there is reasonable cause to believe that ... (1) if cannot be executed between the hours of 6:00 A.M. and 9:00 P.M., or (2) the property sought will be removed or destroyed if not seized forthwith...

Agree _____ ... Disagree _____ ...

- (B.) A request that the search warrant authorize the executing police officer to enter premises to be searched without giving notice of his authority and purpose, upon the ground that there is reasonable cause to believe that (1) the property sought may be easily and quickly destroyed or disposed of, or (2) the giving of such notice may endanger the life or safety of the executing officer or another person.

Agree _____ ... Disagree _____ ...

Any request made pursuant to this subdivision must be accompanied and supported by allegations of fact of a kind prescribed in paragraph (c) of subdivision two.

Agree _____ ... Disagree _____ ...

Section 690.40: Search Warrants Determination of Application:

- 1.) In determining an application for a search warrant the court may examine, under oath, any person whom it believes may possess pertinent information. Any such examination must be either recorded or summarized on the record by the court.

Agree _____ ... Disagree _____ ...

- 2.) If the court is satisfied that there is reasonable cause to believe that property of a kind or character referred to in section 690.10, and described in the application, may be found in or upon the place, premises, vehicle or person designated or described in the application, it may grant the application and issue a search warrant directing a search of the said place, premise, vehicle or person abs a seizure of the describes property. If the court is further satisfied that grounds, described in subdivision three of section 690.35, exist for authorizing the search to be made any hour of the day or night, or without giving notice of the police officer's authority and purpose, it may make the search warrant executable accordingly.

Agree _____ ... Disagree _____ ...

Section 690.45: Search Warrants; Form and content

- 1.) The name of the issuing court and the subscription of the issuing judge;
- 2.) The name, department or classification of the police officer to whom it is address;
- 3.) A description of the property which is the subject if the search;
- 4.) A designation or description of the place, premise or person to be searched, by means of address, ownership, name or any other means essential to identification with certainty:

Agree _____ ... Disagree _____ ...

- 5.) A direction that the warrant be executed between the hours of 6: A.M. and 9:00 P.M. or, where the court has specially so determined, an authorization for execution at any time of the day or night;
- 6.) An authorization, where the court has specially so determined, that the executing police officer enter the premises to be searched without giving notice of his authority and purpose;

7.) A direction that the warrant and any property seized pursuant there to be returned and delivered to the court without unnecessary delay...

Agree _____... Disagree _____...

Section 690.50: Search Warrants execution there of:

1.) In executing a search warrant directing a search of premises or a vehicle, a police officer must, except as provided in subdivision two, give, or make reasonable effect to give, notice of his authority and purpose to an occupant thereof before entry and show him the warrant or a copy thereof upon request.:

Agree _____... Disagree _____...

If he is not thereafter admitted, he may forcibly enter such premise or vehicle and may use against any person resisting his entry or search there of as much physical force, other than deadly physical force, as is necessary to execute the warrant; and he may use deadly physical force if he reasonably believes such to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force...

2.) In executing a search warrant directing a search of premises or a vehicle, a police officer need not give notice to anyone of his authority and purpose, as prescribed in subdivision one, but may promptly entre the same if:

- Such premises or vehicle are at the time unoccupied or reasonable believed by the officer to be unoccupied;
- The search warrant expressly authorizes entry without notice:

Agree _____... Disagree _____...

3.) In executing a search warrant directing or authorizing a search of a person a police officer must give or make reasonable effort to give, such person notice od his authority and purpose and show him the warrant od a copy thereof upon request.

Agree _____... Disagree _____...

4.) Upon seizing property pursuant to a search warrant, a police officer must write and subscribe a receipt itemizing the property taken and containing the name of the court by which the warrant was issued....

Agree _____ ... Disagree _____ ...

If property is taken from a person, such receipt must be given to such person. If property is taken from premises or vehicle, such recent must be given to the owner, tenant or other person in possession thereof if he is present; or if he is not, the officer must leave such a receipt in the premises or vehicle form which the property was taken:

Agree _____ ... Disagree _____ ...

5.) Upon seizing property pursuant to a search warrant, a police officer must without unnecessary delay return to the court the warrant and the property, and must file there with a written inventory of such property, subscribed and sworn to by such officer...

Agree _____ ... Disagree _____ ...

Section 690.55: Search Warrants; Disposition of seized property:

1.) Upon receiving property seized pursuant to a search warrant, the court must either:

- Retain it in the custody of the court pending further disposition thereof pursuant to subdivision two or some other provision of law; or
- Direct that it be held in the custody of the person who applied for the warrant, or of the police officer who executed it, or of the governmental or official agency or department by which either such public servant is employed, upon condition that upon order of such court such property be returned thereto or delivered to another court.

Agree _____ ... Disagree _____ ...

2.) A local criminal court which retains custody of such property must, upon request of another criminal court in which a criminal action involving or relating to such property is pending, cause it to be delivered thereto...

MUST FILE MS. DRAFTS
NOTICE THIS COPY
ORIGINALLY DATED ON
APRIL 21, 2018

STATE OF NEW YORK

COURT OF CLAIMS +
FEDERAL COURT

"ADMONITION -"

NOTICE OF CLAIM
SUIT / PLAINTIFF

THE CONSTITUTION OF

DISTRICT V. HAMILTON

THE U.S. GOVERNMENT

BETHINA A. WILSON

INSTITUTE FOR CIVIL 1983

(CLAIMANTS)

RIGHTS ACT V. 2,

U.S.C. § 1331, 1343

V.

BROWNS ACTION TRUST

CLAIM IN THE NATURE

NEW YORK CITY POLICE

DE MANDAMVS

DEPARTMENT OF

ET AL

(DEFENDANTS)

NYC INFORMATION SYSTEMS
CENTRAL IMAGING FACILITY
RECEIVED
2018 APR 23 P 3:14

CLAIM NO.: 2018 P1008319

2018 P1008320

"ADMONITION NOTICE": OR AGREEMENT
OR DISAGREEMENT "RESPONSE" TO "THE SUPREME
LAWS OF THE LAND OF THESE HINE UNITED STATES
OF AMERICA" ... ITEM BY ITEM WITHIN THE
THIRTY (30) DAYS PERIOD AS IS APPLICABLE
CLAIMANTS, STIPULATED IN "STATEMENT OF CLAIM"
BRIEFLY ON PAGE NO. SEVEN (7), TITLED
"ARTICLE 690 - SEARCH WARRANTS" OR "NOTICE!"

"Response" Was To Be Sent To Claimants
Ms. Barbara A. Wilson, ... Mr. Roberto V.
Hamilton, ... And To Attorney Mrs. Damaris
Rosario-Vaz-Torres, State Of New York
No. OLR06340594, Certified In Bronx
County Commission... Expires 4/18/2020 ...

No Response Is Demanded That Defendants,
New York City Police Department, ET AL,
Is In Full Agreement In Favor Of The
Claimants ... Ms. Barbara A. Wilson ... And
Mr. Roberto V. Hamilton ... And That
Defendants ET AL Will Immediately Contact
Claimants Therewith, As To The Redress Of The
Several Violations, Under Color Of Law, Of
Their Civil Rights 42 U.S.C. § 1983 ...
Or Settlements Of Seven Hundred Thousand
Dollars (\$700,000.00) For Claimant ...

The Thirty (30) Days Response Notice Was
Up As Of April, 15, 2018 ... Claimants
However, Has Waited Till March, 2018
Before Sending Another Notice Seeking
Redress Of Claim ...

"Notice" : Is A Response After A Motion

(17) Days Or Date Of This Assessor
Notice Is Now Given To New York City
Police Department ET AL As To The
Inmate Robbers And Settlement Of
Claims By Claimants Ms. Belinda A.
Wilson, And Mr. Roberto V. Hamilton.

Again, Response Is To Be Forwarded,
Please, Due To Ms. Belinda A. Wilson...
Due To Mr. Roberto V. Hamilton... And
Due To Notary... Who Serves As Witness
To Proper Response... - Ms. Damaris
Rodriguez-Torres, Notary Public, State Of
New York - No. 01R06340594... Qualifies
In County Of Bronx...

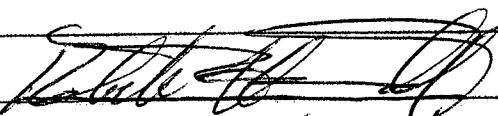
The Blatant Violations Of The Claimants
Rights, Under The Color Of Law, The U.S.
Constitution Bill Of Rights Article Four - The
Rights Of The People To Be Secure In Their
Persons, Houses, Papers, And Effects Against
Unreasonable Searches And Seizures, And
Detention Or Detainment And Home... (Home
Trashes), Absent Erroneous Circumstance Or
Consent, Without Warrant... Deprived Of
Their Liberty... "Steagals V. United States

[45] U.S. 204, 206] as Dereliction Of
Rights Under Color Of Law - Section 242
Of The Title 18 Makes It A Crime For
For A Person Acting Under Color Of Law,
Any Law, To Willfully Deprive A Person Of
A Privilege, Right, Protected By The Constitu-
tion Or Laws Of The United States...
Also Includes Acts Not Only Done Be Federal,
state, Or Local Official Within Their Lawful
Authority, But Also Acts Done Beyond The
Bounds Of That Official's Lawful Authority.

Wherefore, the Plaintiffs Pray That
Defendants Respond Expediently, Without
Any Further Delays Or Obstacles...

Thank You

I Declare Under The Penalty Of Perjury
The Foregoing To Be "True And Correct"


Roberto V. Hernandez

Notary

Belinda A. Wilson
Belinda A. Wilson

State of New York
Court of Claims &
Federal Court
Notice of claim
Suit Under the
Constitution of the
U.S.A. vs. Under
Ms. Orlando A. Wilson
Roberto V. Hamilton
(Claimants)
18 U.S.C. § 1983
28 U.S.C. § 1331, 1333
Bivens Action for
Claim in the Nature
of Manslaughter
v.

New York City
Police Department
et al
(Defendants)
Claim No. 2018 P1008319
2018 P1008320

NYC COMPTROLLER
BUR. INFORMATION SYSTEMS
CENTRAL IMAGING FACILITY
RECEIVED

DO 5:00
P 17 MAY 10 2018

"Final Notice" of "Agree or
Disagree" - "Response" - To the
"Supreme Law of the Land of these
Hence United States Of America" . . .
As To the Manslaughter Mortizinal
Dilection Owed to the Claimants, or
the Gross Violations of their Constitutional
Rights, Under the Preface "Agree"
Done "Under the Color of Law" . . . By
State & City Officials . . . the New York
City Police Department, et al. I.e.,

1.) Response Was To Be Sent Of "Agreement Or Disagreement" To Ms. Barbara A. Wilson; Ms. Rosario V. Hamilton; And To Notary, Ms. Dayanis Rodriguez-Torres, Notary Public,
State Of New York - No. DIR06340594.
Dated In The County Of Bronx, New York --
- As To The Conduct Of City Officials, The
New York City Police Department - ET AL --
No Response Was Ever Given -- In Two(2)
Other Occasions -- This Is The Third (3)
Notice Of --

2.) A No "Response Action", Was Clearly Indicated
To Mean New York City Administration Of All Are
In Full Agreement In Favor Of Claimants
Receiving The Police Demands In The Instant
Suit / Complaint --

3.) Judgment By Default Is Already Awarded
The Defendants Of All -- Claimants Have Extended
Time Frame To ^{NO} Amend -- Claimants Are Now Making
Another Attempt, "Final", Of Seeking A Response
To Make And Give Redress And Comply To
Terms Of The Gross Violations Of Their Rights
Implicit In The Constitution -- Claimants Are
Given New York City & State Administrators Of All
Another Opportunity To Do The "Right Thing" --

v) As of Date of this Final Notice, the Defendants
et al, have Seven (7) Days in which to Comply.
If no further response, as claimants have no other
proceed but to seek relief & process in the
United States (Federal & State) District Courts.

Jurisdiction of Courts are "Civil And Crim-
inal" etc.

We Swear Under the Penalty of Perjury,
the foregoing to be true and correct.

Robert A. Wilson

MAY 17th, 2018

Roberto V. Hamilton

MAY 17th, 2018

KATHERINE PROCHILO
NOTARY PUBLIC-STATE OF NEW YORK
No. 0TPR6170947
Qualified in Nassau County
My Commission Expires August 26, 2019

Notary

And as before: Please send response to
Ms. Barbara A. Wilson - Mr. Roberto V. Hamilton
and to Notary Ms. Dennis Rodriguez - Torres.

Thank You.

"Certificate of Service"

I the Petitioner, still Pro-Se, Am In Firma
Poverty, Certify That I Have Delivered A Copy Of
This Suit / Classy Filed Notice on - Under The
Constitution Of The U.S.A. 42 U.S.C. § 1983, 28
U.S.C. § 1331, 1332 Birens Action Tort Claim
To Said Address Of The -

City Of New York
Office Of The Comptroller
Claims And Adjudications
1 Centre Street Room 1200
New York, N.Y. 10007-2341

On This Date May 19th, 2018

Robert D. Hamilton

KATHERINE PROCHILO
NOTARY PUBLIC STATE OF NEW YORK
No. 01PR6170947
Qualified in Nassau County
My Commission Expires August 25, 2019

Notary

SG

RUSSO & TONER LLP

ATTORNEYS AT LAW

33 Whitehall Street, New York, New York 10004
Phone (212) 482-0001; Fax (212) 482-0002
www.russotoner.com

April 23, 2018

Belinda Wilson
147 Somers Street, Apt. 1L
Brooklyn, NY 11233

NOTICE OF 50-H HEARING

Claimant Name: Belinda Wilson
Claim Number: 2018PI008320
R&T File No.: 541.540

Dear Sir / Madam:

Please take notice that, pursuant to Section 50-h of the General Municipal Law (GML), claimant is mandated by law to appear at the following location, at the date and time specified below, to be orally examined under oath relative to the occurrence and extent of injuries for which the above claim is made:

Date of Hearing: Friday June 8th, 2018

Time of Hearing: 2:30PM

Location of Hearing: Russo & Toner, LLP
33 Whitehall Street – 16th Floor
New York, New York 10004

June 7 to come
June 8th
2:30
(John Arnold)

The claimant should be accompanied by his/her attorney. Claimant is further mandated, pursuant to Section 93(d) of the New York City Charter and Section 50-h of the GML, to present him/herself for a physical examination at a date and location to be provided under separate cover.

Please note that all infant claimants must appear. The hearing will begin promptly at the time indicated and there will be no office space to meet with and prepare your client.

Upon receipt of this notice, please contact us if a language interpreter for your client is necessary. One day prior to the hearing, we will call your office to confirm the date and time of the hearing. If you confirm the hearing date at that time and you subsequently fail to appear for the hearing, you will be charged by the City for any legal fee, interpreter fee and stenographic fee incurred.

All applications for adjournments should be directed via email to wkornegay@russotoner.com / sdhanraj@russotoner.com.

HARTFORD OFFICE
100 PEARL STREET, 14TH FLOOR
HARTFORD, CT 06103
(860) 986-7845

PENNSYLVANIA OFFICE
ONE NESHAMINY INTERPLEX
TREVOSE, PA 19053
(215) 874-6816

NEW JERSEY OFFICE
10 FRANKLIN AVENUE
EDISON, NJ 08837
(732) 738-5600

STAMFORD OFFICE
ONE STAMFORD PLZ
263 TRESSER BLVD
STAMFORD, CT 06901
(203) 883-0800

BUFFALO OFFICE
12 FOUNTAIN PLAZA, STE 600
BUFFALO, NY 14202
(716) 800-6389

RUSSO & TONER

Claimants will be permitted one adjournment without cause. Application for such adjournments should be made at least one week prior to the hearing date. Applications for additional adjournments must include the reason for the request, and will be granted for good cause **only**.

If a claimant fails to appear for a scheduled hearing, a default will be declared and claimant's failure to appear will be raised as an affirmative defense in any lawsuit subsequently filed.

In order to prevent fraud, you are required to present proper identification prior to commencement of the hearing. Additionally, you are requested to bring to the hearing original photographs of the accident scene and copies of all documents relevant to this claim including but not limited to:

- (1) prior written notice map;
- (2) all medical and hospital records;
- (3) authorizations for the Comptroller's Office to obtain, as applicable, medical, criminal, employment and/or school records, and loss of income documentation;
- (4) police reports.

Pursuant to State and Federal law, the Comptroller's Office, through its attorneys taking hearings, is authorized to obtain, social security and Medicare or Medicaid numbers for tax and reporting purposes, and to allow for the collection of liens held by the City and State.

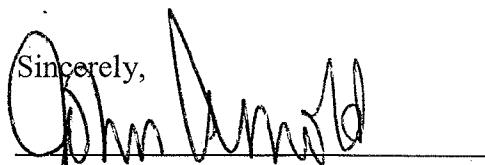
Please be advised that nothing contained herein shall be construed as extending the statute of limitations beyond the statutory time.

Please note that the office does not provide day care services. Therefore infants and small children will not be permitted in the office.

All questions with regard to this notice should be addressed to the undersigned at wkornegay@russotoner.com / sdhanraj@russotoner.com.

Please be aware that filing a false claim or aiding and abetting the filing of a false claim is a crime. Violators will be prosecuted to the fullest extent of the law.

*****PLEASE CALL OUR OFFICE TO CONFIRM YOU HAVE RECEIVED THIS NOTICE (212)482-0001*****

Sincerely,

John Arnold
Assisting Calendar Coordinator

cc: Comptroller's office
1 Centre Street
NY, NY 10007